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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,867

Applicant(s)

POWELL ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 5-13, 15-20, 23-27, 29-36, 38-43 and 46-47** are rejected under 35 U.S.C. 102(e) as being anticipated by Corlett et al. (US 5,832,060).

Regarding **claim 1**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed “an apparatus for facilitating communications between a caller and a called party”), the apparatus comprising:

storage (60 on FIG. 2B) for storing a message (column 10, line 20 “information”) for the called party (14 on FIG. 1) from the caller (14 on FIG. 1), and a telephone number (column 10, line 19 “telephone number”) for contacting the caller (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

a switch (16 on FIG. 1) interface for causing an establishment of a first connection (column 10, line 31 "a first call") to deliver the message therethrough to the called party (column 10, lines 30-36) [The scheduler activates a first call to the called party]; and

a device (18 on FIG. 1) for detecting a signal (column 13, line 14 "an input") generated by the called party, which indicates an initiation of a call (column 13, line 16 "an election") to the caller, the switch interface, in response to the detected signal, causing an establishment of a second connection to the telephone number, the first connection being bridged to the second connection (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Regarding **claims 2 and 26**, Corlett discloses wherein the message is recorded by the caller (column 7, lines 26-33).

Regarding **claims 3 and 27**, Corlett discloses wherein a message identification is assigned to the message for association with the telephone number (column 10, lines 11-29).

Regarding **claims 5, 15, 23, 29, 38 and 46**, Corlett discloses wherein the telephone number is provided by the caller (column 10, lines 11-29).

Regarding **claims 6, 16, 24, 30, 39 and 47**, Corlett discloses wherein the signal includes a DTMF signal (column 9, lines 6-20).

Regarding **claims 7**, Corlett discloses a voice response unit (18 on FIG. 1).

Regarding **claim 8**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a messaging system") comprising:

storage for storing a message (column 10, line 20 "information") for a called party (14 on FIG. 1) from a caller (12 on FIG. 1) whose call to a called station associated with the called party was previously unanswered, and a telephone number (column 10, line 19 "telephone number") for contacting the caller (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

an interface for eliciting from the caller at least one preference concerning delivery of the message (column 6, line 60 to column 7, line 4) [The peripheral plays a first announcement to the calling party];

a switch (16 on FIG. 1) for establishing a first connection (column 10, line 31 "a first call") to the called station to deliver therethrough the message in accordance with the preference (column 10, lines 30-36) [The scheduler activates a first call to the called party]; and

a device (18 on FIG. 1) for detecting a predetermined signal (column 13, line 14 "an input") from the called station, the switch, in response to the detected predetermined signal, establishing a second connection (column 13, line 16 "an election") to a calling station associated with the stored telephone number, the first connection being bridged to the second connection (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Regarding **claims 9 and 32**, Corlett discloses wherein the preference includes a time range within which the message is delivered (column 10, lines 30-45)

Regarding **claims 10 and 33**, Corlett discloses wherein the number of attempts to deliver the message is not greater than a predetermined maximum limit (column 10, lines 30-45).

Regarding **claims 11, 18, 34 and 41**, Corlett discloses wherein the call was unanswered due to a busy condition (column 7, lines 18-33).

Regarding **claims 12, 19, 35 and 42**, Corlett discloses wherein the call was unanswered due to a ring-no-answer condition (column 6, lines 44-51).

Regarding **claims 13, 20, 36 and 43**, Corlett discloses wherein the call was unanswered due to a communication problem (column 6, lines 44-51).

Regarding **claim 17**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a communications system accessible by a customer for obtaining information about a desired party"), the system comprising:

a server (18 on FIG. 1) for providing a destination telephone number (column 10, line 19 "telephone number") for contacting the desired party (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

a switch (16 on FIG. 1) for establishing a first connection to a destination station (column 10, line 31 "a first call") associated with the destination telephone number (column 10, lines 30-36) [The scheduler activates a first call to the called party];

a processor (40 on FIG. 3A) for monitoring signals (column 7, line 26 "an indication") on the first connection (column 7, lines 26-33) [The processor for processing an indication by the calling party];

an interface for prompting the customer to leave a message when a signal from the first connection indicating that the destination station is not answering is detected (column 6, line 60 to column 7, line 4) [The peripheral plays a first announcement to the calling party];

storage (60 on FIG. 2B) for storing the message and a calling telephone number (column 10, line 19 "telephone number") for contacting the customer, the switch establishing a second connection to the destination station to deliver the message therethrough (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number]; and

a device (18 on FIG. 1) for detecting a predetermined signal (column 13, line 14 "an input") from the destination station, the switch, in response to the detected predetermined signal, establishing a third connection to a calling station (column 13, line 16 "an election") associated with the calling telephone number, the second connection being bridged to the third connection (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Regarding **claim 25**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a method for facilitating communications between a caller and a called party"), the method comprising:

storing a message (column 10, line 20 "information") for the called party from the caller, and a telephone number (column 10, line 19 "telephone number") for contacting



the caller (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

causing an establishment of a first connection (column 10, line 31 "a first call") to deliver the message therethrough to the called party (column 10, lines 30-36) [The scheduler activates a first call to the called party];

detecting a signal (column 13, line 14 "an input") generated by the called party, which indicates an initiation of a call to the caller (column 13, lines 11-19) [An input is received from the called party to establish a call to the calling party];

in response to the detected signal, causing an establishment of a second connection to the telephone number (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party]; and

bridging the first connection to the second connection (column 13, lines 23-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Regarding **claim 31**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a method for use in a messaging system"), comprising:

storing a message (column 10, line 20 "information") for a called party

(14 on FIG. 1) from a caller (12 on FIG. 1) whose call to a called station associated with the called party was previously unanswered, and a telephone number (column 10, line 19 "telephone number") for contacting the caller (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

eliciting from the caller at least one preference concerning delivery of the message (column 6, line 60 to column 7, line 4) [The peripheral plays a first announcement to the calling party];

establishing a first connection (column 10, line 31 "a first call") to the called station to deliver therethrough the message in accordance with the preference (column 10, lines 30-36) [The scheduler activates a first call to the called party];

detecting a predetermined signal (column 13, line 14 "an input") from the called station (column 13, lines 11-19) [An input is received from the called party to establish a call to the calling party];

in response to the detected predetermined signal, establishing a second connection to a calling station associated with the stored telephone number (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party]; and

bridging the first connection to the second connection (column 13, lines 23-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Regarding **claim 40**, Corlett discloses a method for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a method for use in a communications system accessible by a customer for obtaining information about a desired party"), the method comprising:

providing a destination telephone number (column 10, line 19 "telephone number") for contacting the desired party (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

establishing a first connection (column 10, line 31 "a first call") to a destination station associated with the destination telephone number (column 10, lines 30-36) [The scheduler activates a first call to the called party];

monitoring signals on the first connection (column 11, lines 12-22) [The call to the called party is monitored for a busy signal];

prompting the customer to leave a message (column 7, line 28 "information") when a signal (column 7, line 23 "a busy signal") from the first connection indicating that the destination station is not answering is detected (column 7, lines 26-33) [The processor for processing an indication by the calling party];

storing the message and a calling telephone number (column 10, line 19 "telephone number") for contacting the customer (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

establishing a second connection (column 10, line 31 "a call") to the destination station to deliver the message therethrough (column 10, lines 30-36) [The scheduler activates a first call to the called party];

detecting a predetermined signal (column 13, line 14 "an input") from the destination station (column 13, lines 11-19) [An input is received from the called party to establish a call to the calling party];

in response to the detected predetermined signal, establishing a third connection to a calling station associated with the calling telephone number (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party]; and

bridging the second connection to the third connection (column 13, lines 23-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 4, 14, 21-22, 28, 37 and 44-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corlett in view of Hammond (US 5,155,761).

Regarding **claims 4, 14, 22, 28, 37 and 45**, Corlett as applied to **claims 1, 8, 17, 25, 31 and 40** differs from **claims 4, 14, 22, 28, 37 and 45** in that it fails to disclose an automatic number identifier.

However, Hammond teaches wherein the telephone number is derived from an automatic number identifier (column 4, lines 51-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an automatic number identifier of Hammond in the invention of Corlett.

The modification of the invention would offer the capability of an automatic number identifier such as the system would know the calling number.

Regarding **claims 21 and 44**, Corlett as applied to **claims 17 and 40** differs from **claims 21 and 44** in that it fails to disclose an operator assisting the customer.

However, Hammond teaches an operator assisting the customer to obtain the information (column 5, lines 25-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an operator assisting the customer of Hammond in the invention of Corlett.

The modification of the invention would offer the capability of an operator assisting the customer such as the system would identify the calling number.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miska et al. is cited for a personal mobile communication system (FIG. 1).

Heidari is cited for a speech recall in cellular telephone (FIG. 1).

Albretch is cited for an automatic call-back service (FIG. 2).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.

March 23, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

